

APPEAL NO. 023221
FILED JANUARY 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 12, 2002. The hearing officer determined that the appellant's (claimant) compensable (right wrist carpal tunnel syndrome) injury of _____, does not extend to his neck and bilateral shoulders.

The claimant appeals, contending that medical evidence and his testimony support a cervical sprain/strain injury. The respondent (carrier) responds, urging affirmance.

DECISION

Affirmed.

The claimant, a carpet worker, sustained a compensable right wrist injury on _____, which was accepted by the carrier. The claimant testified that he continued working but began to have neck and shoulder pain about five days later. The claimant first saw a doctor at a clinic on April 24, 2002. Clinic records show a history of right wrist pain "for the past month and both shoulders for the past six months." The evidence was conflicting whether the claimant has a shoulder injury and/or a neck injury and the cause of any asserted neck injury.

The testimony and medical evidence were in conflict in regard to the disputed issue, and the evidence was sufficient to support the determination of the hearing officer. The 1989 Act provides that the hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Where there are conflicts in the evidence, the hearing officer resolves the conflicts and determines what facts the evidence has established. As an appeals body, we will not substitute our judgment for that of the hearing officer when the determination is not so against the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 950456, decided May 9, 1995.

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750, COMMODORE 1
AUSTIN, TEXAS 78701.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge